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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MARK JONATHAN GOSSETT,

11 Petitioner,

12 v.

13 JASON BENNETT,

14 Respondent.

15 CASE NO. 3:24-cv-05131-RAJ-GJL

16 ORDER

17 On August 21, 2024, the Court adopted Magistrate Judge Leupold's Report &
18 Recommendation, dismissed Mr. Gossett's § 2254 habeas petition as time barred, and
19 denied a Certificate of Appealability. Dkt. # 37. Petitioner Gossett filed various motions
20 for relief for judgment. Dkts. # 39-43. The Court denied these motions on October 1,
21 2024. Dkt. # 44. The pro se petitioner Mark Jonathan Gossett's has filed two more motions
22 for relief from judgment. Dkts. # 45, 46.¹

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¹ The Court exercises its discretion to decide the motion before the October 24, 2024 noting date of the most recent
24 motion. See Fed. R. Civ. P. 1 (directing district courts to administer the rules of procedure "to secure the just, speedy,
and inexpensive determination of every action and proceeding").

In the first motion, Mr. Gossett argues that the Court “violated the Magistrate’s Act and Habeas Rule 8(b) by failing to conduct de novo review of Motion Requesting Judicial Notice in Support of 28 U.S.C. § 2254.” Dkt. # 45. In the second motion, Mr. Gossett asks the Court to “re-open habeas proceedings based on the failure to apply United States Supreme Court precedent in determination of the Fourteenth Amendment – Due process claim in his 28 U.S.C section 2254 petition.” Dkt. # 46 at 2. Additionally, petitioner requests a Certificate of Appealability. *See id.*

Mr. Gossett does not address the authority under which his motions are made, Federal Rule of Civil Procedure 60(b)(4) (“the judgment is void”), and he does not address the standard for a motion for reconsideration. Petitioner provides no factual or legal support to warrant re-opening the proceedings on the requested bases.

The Court’s judgment is not void, and Mr. Gossett is not entitled to a Certificate of Appealability, because his habeas petition is plainly time barred. Accordingly, the Court **DENIES** Petitioner’s Motions for Relief from Judgment. Dkts. # 45, 46. The Court will not accept any further filings in this closed case.

DATED this 10th day of October, 2024.



The Honorable Richard A. Jones
United States District Judge